

JOSEPH & KIRSCHENBAUM LLP  
Attorneys at Law

Charles Joseph  
Maimon Kirschenbaum  
Denise Schulman  
Josef Nussbaum  
Lucas C. Buzzard  
Leah Seliger  
Michael DiGiulio

32 Broadway, Suite 601 D.  
New York, NY 10004  
Phone (212) 688-5640  
Fax (212) 688-2548  
[www.jk-llp.com](http://www.jk-llp.com)

February 20, 2024

**VIA ECF**

The Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *Mabry et al v. LAML, LLC et al***  
**Civil Case No. 1:23-cv-5468 (VEC)**

Dear Judge Caproni:

We represent Plaintiff in the above-referenced matter. We write with respect to Defendants' Letter filed earlier today.

We oppose Defendants' request for an extension of their time to file an opposition to Plaintiff's motion for conditional certification of this action as a collective action under the FLSA. Defendants' counsel made this request three days after the deadline. Further, the Court already rejected a prior extension request with respect to Defendants' indicating whether they would stipulate to a collective (DKT # 49).

Defendants' counsel's representation regarding settlement discussions is both completely inappropriate and in any event not accurate with respect to the progress of settlement discussions. We do not believe (another) Settlement Conference would be productive at this point.

For the foregoing reasons, we respectfully request that the Court treat Plaintiff's motion for conditional certification as unopposed and, for the reasons set forth therein, grant Plaintiff's motion. We thank the Court for its time and attention to this matter.

Respectfully Submitted,

JOSEPH & KIRSCHENBAUM LLP

/s/D. Maimon Kirschenbaum  
D. Maimon Kirschenbaum